ANTHONY CANTU AND RONALD	§	
LOREDO, on behalf of themselves and a	§	
class of those similarly situated,	§	Civil Action No.
	§	SA:13-CA-731-HLH
Plaintiffs,	§	
	§	Collective Action Pursuant to 29
v.	§	U.S.C. §216(b)
	§	
MILBERGER LANDSCAPING, INC.,	§	Jury Demanded
	§	
Defendant.	§	

PLAINTIFFS' APPENDIX IN SUPPORT OF THEIR MOTION TO QUASH AND FOR PROTECTIVE ORDER

Plaintiffs file this Appendix in Support of their Motion to Quash and for Protective Order pursuant to Local Rule CV-7(d)(1).

Plaintiffs file the following documents in support of the facts forming the basis for their Motion to Quash and for Protective Order:

Exhibit A

Subpoenas to Twelve Non-Party Entities

Respectfully submitted,

MORELAND LAW FIRM, P.C. 13590 Ranch Road 12 Wimberley, Texas 78676 Tel (512) 782-0567 Fax (512) 782-0605

By: /s/ Edmond S. Moreland, Jr.

Edmond S. Moreland Jr.

Texas State Bar No. 24002644
edmond@morelandlaw.com

Philip J. Moss Texas State Bar No. 24074764 pmoss@equaljusticecenter.org EQUAL JUSTICE CENTER 6609 Blanco Road, Ste. 260 San Antonio, Texas 78216 Tel (210) 308-6222, ext. 102 Fax (210) 308-6223

Counsel for Plaintiffs

Certificate of Service

The undersigned hereby certifies that, on this the 25th day of February, 2014, he submitted the foregoing instrument for filing through the Court's Case Management / Electronic Case Filing System. The following counsel of record shall be served with a true and correct copy of this pleading, and all attachments, by operation of the Court's CM / ECF System:

Mr. Gerald T. Drought Mr. Mathis B. Bishop MARTIN & DROUGHT, P.C. Bank of America Plaza, 25th Floor 300 Convent Street San Antonio, Texas 78205

/s/ Edmond S. Moreland, Jr. Edmond S. Moreland, Jr.

Exhibit A

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF RECORDS for:

ALAMO CITY MEDICAL GROUP (THOUSAND OAKS) 2235 THOUSAND OAKS STE 117 SAN ANTONIO, TX 78232

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: Any and all laboratory test results, drug screen results and/or specimen results.

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800

MARTIN & DROUGHT PC 300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205--3789

SAN ANTONIO, TX 78205--3789 Ph: (210) 227-7591 Fax: (210) 227-7924 ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

Date: 2-24-14

By:

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED VS

CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF RECORDS FOR: ALAMO CITY MEDICAL GROUP (THOUSAND OAKS)

Please state your full name, occupation, and/or official title.
ANSWER
2. Did you receive a Subpoena Duces Tecum for the production of: Any and all laboratory test results, drug screen results and/or specimen results pertaining to ANTHONY CANTU?
ANSWER
3. Are you able to identify these records as the original or true and correct photostatic copies of the originals?
ANSWER
4. Were these records made and kept in the regular course of your business? (Business means any kind of regularly organized activity, whether conducted for profit or not).
ANSWER
5. In the regular course or your business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information to make such records from sources who have such personal knowledge?
ANSWER
6. Are these records under your care, supervision, direction, custody or subject to your control?
ANSWER
7. Are these records made at or near the time of the act, event or condition recorded on the records, or reasonably soon thereafter pertaining to the incident in question?
ANSWER
8. Were these records kept as described above?
ANSWER
9. Have you been requested, directed, or has it ever been suggested by any person (whether doctor, lawyer or anyone else) that any part of the records subject to this deposition be withheld or protected from discovery for any reason? If so, please state the name and address of the person who conveyed this information to you and when such event occurred.
ANSWER

62709.1 File #: DW

10. Are there any other I keep records or documer address of that location, i	nts pertaining to ANTI	MO CITY MEDIC HONY CANTU?	AL GROUP (THOU If yes, please iden	JSAND OAKS) would tify the name and
ANSWER				
11. Please hand all such deposition for inspection return the originals of you done as requested? If no	and photocopying.(I ir records to you after	These will be at r	no expense to you,	and the Officer will
ANSWER				
12. Have any records of describe those records to (THOUSAND OAKS).				
ANSWER:				
13. In the event that no retention policies which explease identify who has keep GROUP (THOUSAND OF	xplain their absence? inowledge of those ar	If yes, please e	xplain your archivin	g and/or retention policy.
ANSWER:				
	··			
_	WITNESS CL	JSTODIAN OF R	ECORDS	•
I,the foregoing answers of me. The records attached	the witness were made	de by the said w	ritness and sworn t	as do hereby certify that o and subscribed before
GIVEN UNDER MY HAND	•			20 .
OIVER OIDER MITTIMIE	AND OLAL ON MIS U	ileua	, OI	,
_	Notany Public is	n and for the Sta	te of Tevas	
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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

vs // *,

MILBERGER LANDSCAPING, INC.

CIVIL ACTION NO. 5:13-CV-731

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

CUT RITE LANDSCAPING 26256 US HWY 281 N STE 4 SAN ANTONIO, TX 78258

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800 MARTIN & DROUGHT PC

300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205--3789 Ph; (210) 227-7591 Fax: (210) 227-7924 ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

P1-16-6 1010

By:

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

CIVIL ACTI

CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: CUT RITE LANDSCAPING

Please state your full name, occupation, and/or official title.
ANSWER:
2. Did you receive a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU?
ANSWER:
3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis for this lawsuit nor is it limited in scope or time or as to the type of record or document?
ANSWER:
4. Has ANTHONY CANTU ever been employed by CUT RITE LANDSCAPING?
ANSWER:
5. Has CUT RITE LANDSCAPING made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question?
ANSWER:
6. Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control?
ANSWER:
7. Were these memorandum, reports, records or data compilations made by CUT RITE LANDSCAPING?
ANSWER:

DW

8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries? $f_{r\to 0}$
ANSWER:
10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by CUT RITE LANDSCAPING? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by CUT RITE LANDSCAPING.
ANSWER:

14 Have you been requested, lawyer, or anyone else) that padiscovery for any reason? If s information to you and when suc	rt of the records subje o, please state the na	ct to this deposition b	e withheld or protected from
ANSWER:			
15. Do you know whether or redeposition have in any manner by way such records existed when our any such as the such as	een edited, purged, cui	lled, or in any other ma	nner made different from the
_	WITNESS CUSTODIA	N OF RECORDS	
		; ;	
the foregoing answers of the wit me. The records attached hereto	ness were made by the	e said witness and swo	Texas do hereby certify that orn to and subscribed before
GIVEN UNDER MY HAND AND	SEAL on this the	day of	20
	<u>.</u> .		
•	4		
	Notary Public in and for	the State of Texas	

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MEBERGER LANDSCAPING, INC.

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

GREEN GRASS, INC 5333 RANDOLPH BLVD SAN ANTONIO, TX 78233

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800 MARTIN & DROUGHT PC

MARTIN & DROUGHT PC 300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205-3789 Ph: (210) 227-7591 Fax: (210) 227-7924

ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

Date: 2-34-14

Ву:

ANTHONY CANTU AND RONALD က က က က က က က က က LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED CIVIL ACTION NO. 5:13-CV-731 MILBERGER LANDSCAPING, INC. QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: GREEN GRASS, INC 1. Please state your full name, occupation, and/or official title. 2. Did you receive a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or preemployment specimen results; any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU? 3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis for this lawsuit nor is it limited in scope or time or as to the type of record or document? ANSWER: 4. Has ANTHONY CANTU ever been employed by GREEN GRASS, INC? ANSWER: 5. Has GREEN GRASS, INC made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question? 6. Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control? ANSWER: 7. Were these memorandum, reports, records or data compilations made by GREEN GRASS, INC? ANSWER:

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8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events/conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries?
ANSWER:
10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by GREEN GRASS, INC? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by GREEN GRASS, INC.
ANSWER:

14 Have you been requested, directed, or has it ever been suggested by any person (whether employer lawyer, or anyone else) that part of the records subject to this deposition be withheld or protected from discovery for any reason? If so, please state the name and address of the person who conveyed this information to you and when such event occurred.
ANSWER:
15. Do you know whether or not, or do you have any reason to believe that the records subject to this deposition have in any manner been edited, purged, culled, or in any other manner made different from the way such records existed when created? If so, please explain your knowledge or belief in the regard.
ÄNSWER:
WITNESS CUSTODIAN OF RECORDS
\$ \$
I,,A Notary Public in and for the State of Texas do hereby certify that the foregoing answers of the witness were made by the said witness and sworn to and subscribed before me. The records attached hereto are exact duplicates of the original records.
GIVEN UNDER MY HAND AND SEAL on this the day of20
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Notary Public in and for the State of Texas

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

VS / MILBERGER LANDSCAPING, INC.

CIVIL ACTION NO. 5:13-CV-731

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

BROOKWAY HORTICULTURAL SERVICES, INC 7935 FAIRBANKS WHITE OAK RD HOUSTON, TX 77040

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Sulte 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to Issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800 MARTIN & DROUGHT PC

300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205-3789 Ph: (210) 227-7591 Fax: (210) 227-7924 ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

Bv:

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF 000000000 THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED CIVIL ACTION NO. 5:13-CV-731 MILBERGER LANDSCAPING, INC. QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: BROOKWAY HORTICULTURAL SERVICES, 1. Please state your full name, occupation, and/or official title. ANSWER: 2. Did you receive a subpoena duces fecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or preemployment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU? ANSWER: 3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis for this lawsuit nor is it limited in scope or time or as to the type of record or document? ANSWER: 4. Has ANTHONY CANTU ever been employed by BROOKWAY HORTICULTURAL SERVICES, INC? 5. Has BROOKWAY HORTICULTURAL SERVICES. INC made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question? ANSWER: 6. Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control? ANSWER: Were these memorandum, reports, records or data compilations made by BROOKWAY HORTICULTURAL SERVICES, INC?

File #:

DW

ANSWER:

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8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries?
ANSWER:
10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by BROOKWAY HORTICULTURAL SERVICES, INC? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by BROOKWAY HORTICULTURAL SERVICES, INC.
ANSWER:

14 Have you been requested, directed, or has it ever been sull lawyer, or anyone else) that part of the records subject to this discovery for any reason? If so, please state the name and information to you and when such event occurred.	is deposition be withheld or protected from
ANSWER:	
*	
15. Do you know whether or not, or do you have any reason deposition have in any manner been edited, purged, culled, or it way such records existed when created? If so, please explain your such records existed when created?	n any other manner made different from the
ANSWER:	
WITNESS CUSTODIAN OF R	ECORDS
the foregoing answers of the witness were made by the said were. The records attached hereto are exact duplicates of the orig	
GIVEN UNDER MY HAND AND SEAL on this the day	y of
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Notary Public in and for the Sta	te of Texas

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

HOSE SIMILARLY SITUATED

CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

٧S

EDMOND S. MORELAND JR.

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

DISTRIBUTION CONSTRUCTION LLC P.O. BOX 16207 GREENSBORO, NC 27416

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not ilmited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800

MARTIN & DROUGHT PC 300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205-3789 Ph: (210) 227-7591 Fax: (210) 227-7924 ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

Date: 274-14

By:

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF တတတတတတ THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED VS. CIVIL ACTION NO. 5:13-CV-731 MILBERGER LANDSCAPING, INC. QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: DISTRIBUTION CONSTRUCTION LLC 1. Please state your full name, occupation, and/or official title. 2. Did you receive a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or preemployment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU? ANSWER: 3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis for this lawsuit nor is it limited in scope or time or as to the type of record or document? ANSWER: 4. Has ANTHONY CANTU ever been employed by DISTRIBUTION CONSTRUCTION LLC? ANSWER: 5. Has DISTRIBUTION CONSTRUCTION LLC made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question? 6. Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control? ANSWER: 7. Were these memorandum, reports, records or data compilations made by DISTRIBUTION CONSTRUCTION LLC? ANSWER:

8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries? ANSWER:
10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by DISTRIBUTION CONSTRUCTION LLC? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by DISTRIBUTION CONSTRUCTION LLC.
ANSWER:

Have you been requested, directed, or has it ever been suggested by any person (whether employer, awyer, or anyone else) that part of the records subject to this deposition be withheld or protected from liscovery for any reason? If so, please state the name and address of the person who conveyed this information to you and when such event occurred.
NSWER:
5. Do you know whether or not, or do you have any reason to believe that the records subject to this leposition have in any manner been edited, purged, culled, or in any other manner made different from the vay such records existed when created? If so, please explain your knowledge or belief in the regard.
WITNESS CUSTODIAN OF RECORDS
· s
,A Notary Public in and for the State of North Carolina do hereby ertify that the foregoing answers of the witness were made by the said witness and sworn to and ubscribed before me. The records attached hereto are exact duplicates of the original records.
GIVEN UNDER MY HAND AND SEAL on this the day of20
Notary Public in and for the State of North Carolina
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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A

TLBERGER LANDSCAPING, INC.

CLASS OF THOSE SIMILARLY SITUATED **VS** //

CIVIL ACTION NO. 5:13-CV-731

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

ROGER'S GARDEN 331 E RAMSEY SAN ANTONIO, TX 78216

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 603 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroli records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800 MARTIN & DROUGHT PC

300 CONVENT STREET 25TH FLOOR

SAN ANTONIO, TX 78205--3789 Ph: (210) 227-7591 Fax: (210) 227-7924

ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

By:

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: ROGER'S GARDEN
Please state your full name, occupation, and/or official title.
ANSWER:
2. Did you receive a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU?
ANSWER:
3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis for this lawsuit nor is it limited in scope or time or as to the type of record or document?
ANSWER:
4. Has ANTHONY CANTU ever been employed by ROGER'S GARDEN?
ANSWER:
5. Has ROGER'S GARDEN made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question?
ANSWER:
Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control?
ANSWER:
7. Were these memorandum, reports, records or data compilations made by ROGER'S GARDEN?
ANSWER:

DW

8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries?
ANSWER:
10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by ROGER'S GARDEN? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by ROGER'S GARDEN.
ANSWER:

14 Have you been requested, directed, or has it ever been suglawyer, or anyone else) that part of the records subject to this discovery for any reason? If so, please state the name and a information to you and when such event occurred.	deposition be withheld or protected from
ANSWER:	
15. Do you know whether or not, or do you have any reason deposition have in any manner been edited, purged, culled, or in way such records existed when created? If so, please explain you way. ANSWER:	any other manner made different from the
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WITNESS CUSTODIAN OF RE	CORDS
I,,A Notary Public in and for	r the State of Texas do hereby certify that
the foregoing answers of the witness were made by the said wit me. The records attached hereto are exact duplicates of the origin	ness and sworn to and subscribed before
GIVEN UNDER MY HAND AND SEAL on this the day	of20
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<u> </u>	
Notary Public in and for the State	of Texas

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

VS / 1

MILBERGER LANDSCAPING, INC.

CIVIL ACTION NO. 5:13-CV-731

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

MALDONADO NURSERY AND LANDSCAPING 16348 NACOGDOCHES SAN ANTONIO, TX 78247

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800 MARTIN & DROUGHT PC

MARTIN & DROUGHT PC 300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205-3789 Ph: (210) 227-7591 Fax: (210) 227-7924 ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

Date: 2-24-44

By:

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THỐSÉ SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

QUESTIONS TO BE PROPOUNDED TO THE WITNESS,

THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: MALDONADO NUR LANDSCAPING	SERY AND
Please state your full name, occupation, and/or official title.	
ANSWER:	
2. Did you receive a subpoena duces fecum for the production of: ANY AND ALL RECO not limited to, employment records, any supervisor reports, W-2's, workers' compensation unemployment compensation records, employment application forms, evaluation time cards, medical files, laboratory test results, pre-employment drug screen remployment specimen results, any subsequent drug screen results and/or subsequent disability claims and attendance records, any type of insurance records, office notes, reconversations and any handwritten notes which have not already been produced pertain CANTU?	tion records, claims ns, payroil records, results and/or pre- t specimen results, ecords of telephone
ANSWER:	·.
3. Do you understand the subpoena requests all records referenced in Question ANTHONY CANTU and is not limited to just records and documents related to what you for this lawsuit nor is it limited in scope or time or as to the type of record or document?	
ANSWER:	····
4. Has ANTHONY CANTU ever been employed by MALDONADO NURSERY AND LAN	IDSCAPING?
ANSWER:	
5. Has MALDONADO NURSERY AND LANDSCAPING made or caused to be made report, record or data compilation, in any form, of the employment and/or interview of the p	
ANSWER:	· · · · · · · · · · · · · · · · · · ·
Are these memorandum, reports, records or data compilations under your care, su custody and/or control?	pervision, direction,
ANSWER:	
7. Were these memorandum, reports, records or data compilations made by MALDO AND LANDSCAPING?	ONADO NURSERY
ANSWER:	
62705.1 File #:	DW

8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events; conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries? ANSWER: 10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by MALDONADO NURSERY AND LANDSCAPING? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by MALDONADO NURSERY AND LANDSCAPING.
ANSWER:

14 Have you been requested, directed, or lawyer, or anyone else) that part of the re discovery for any reason? If so, please s information to you and when such event occ	cords subject to this deposit tate the name and address	on be withheld or protected from
ANSWER:		
	*	
15. Do you know whether or not, or do y deposition have in any manner been edited, way such records existed when created? If	purged, culled, or in any other	er manner made different from the
ANSWER:		
WITNESS	CUSTODIAN OF RECORDS	
I,,A No the foregoing answers of the witness were me. The records attached hereto are exact d	made by the said witness and	
GIVEN UNDER MY HAND AND SEAL on th	is the day of	20
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Notary Publ	ic in and for the State of Texa	s
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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

WILBERGER LANDSCAPING, INC.

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

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EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for.

BILLY LONG ENTERPRISES INC P.O. BOX 17261 SAN ANTONIO, TX 78217

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroli records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800

MARTIN & DROUGHT PC 300 CONVENT STREET 25TH FLOOR

SAN ANTONIO, TX 78205-3789 Ph: (210) 227-7591 Fax: (210) 227-7924

ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

File #:

By:

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

QUESTIONS TO BE PROPOUNDED TO THE WITNESS,
THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: BİLLY LONG ENTERPRISES INC

THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: BILLY LONG ENTERPRISES INC
Please state your full name, occupation, and/or official title.
ANSWER:
2. Did you receive a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroil records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU?
ANSWER:
3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis for this lawsuit nor is it limited in scope or time or as to the type of record or document?
ANSWER:
4. Has ANTHONY CANTU ever been employed by BILLY LONG ENTERPRISES INC?
ANSWER:
5. Has BILLY LONG ENTERPRISES INC made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question?
ANSWER:
6. Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control?
ANSWER:
7. Were these memorandum, reports, records or data compilations made by BILLY LONG ENTERPRISES INC?
ANSWER:

62705.1 File #: D

8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries? ANSWER: 10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by BILLY LONG ENTERPRISES INC? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by BILLY LONG ENTERPRISES INC.
ANSWER:

14 Have you been requested, directed, or has it ever been suggested by any person (whether employer, lawyer, or anyone else) that part of the records subject to this deposition be withheld or protected from discovery for any reason? If so, please state the name and address of the person who conveyed this information to you and when such event occurred.
ANSWER:
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15. Do you know whether or not, or do you have any reason to believe that the records subject to this deposition have in any manner been edited, purged, culled, or in any other manner made different from the way such records existed when created? If so, please explain your knowledge or belief in the regard.
ÄNSWER:
WITNESS CUSTODIAN OF RECORDS
I,,A Notary Public in and for the State of Texas do hereby certify that
the foregoing answers of the witness were made by the said witness and sworn to and subscribed before me. The records attached hereto are exact duplicates of the original records.
GIVEN UNDER MY HAND AND SEAL on this the day of20
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Notary Public in and for the State of Texas

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MLBERGER LANDSCAPING, INC.

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

PS LANDSCAPES, INC 11114 MOTHERAL DR AUSTIN, TX 78573

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the wilness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroli records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800

MARTIN & DROUGHT PC

300 CONVENT STREET 25TH FLOOR

SAN ANTONIO, TX 78205-3789

Ph: (210) 227-7591 Fax: (210) 227-7924

ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of-record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

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ANTHONY CANTU AND RONALD
LOREDO ON BEHALF OF
THEMSELVES AND A CLASS OF
THOSE SIMILARLY SITUATED

MILBERGER LANDSCAPING, INC.

CIVIL ACTION NO. 5:13-CV-731

QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: PS LANDSCAPES, INC

THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: PS LANDSCAPES, INC
Please state your full name, occupation, and/or official title.
NSWER:
2. Did you receive a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims or unemployment compensation records, employment application forms, evaluations, payroll records, ime cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, lisability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU?
NSWER:
B. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis or this lawsuit nor is it limited in scope or time or as to the type of record or document? ANSWER:
. Has ANTHONY CANTU ever been employed by PS LANDSCAPES, INC?
NSWER:
i. Has PS LANDSCAPES, INC made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question?
NSWER:
i. Are these memorandum, reports, records or data compilations under your care, supervision, direction, sustody and/or control?
NSWER:
7. Were these memorandum, reports, records or data compilations made by PS LANDSCAPES, INC?
NSWER:

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8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries? ANSWER: 10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by PS LANDSCAPES, INC? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by PS LANDSCAPES, INC.
ANSWER:

File #:

14 Have you been requested, directed, or has it ever been suggested by any person (whether employer, lawyer, or anyone else) that part of the records subject to this deposition be withheld or protected from discovery for any reason? If so, please state the name and address of the person who conveyed this information to you and when such event occurred.
ANSWER:
15. Do you know whether or not, or do you have any reason to believe that the records subject to this deposition have in any manner been edited, purged, culled, or in any other manner made different from the way such records existed when created? If so, please explain your knowledge or belief in the regard.
ÄNSWER:
WITNESS CUSTODIAN OF RECORDS
WITNESS COSTODIAN OF RECORDS
I,,A Notary Public in and for the State of Texas do hereby certify that the foregoing answers of the witness were made by the said witness and sworn to and subscribed before me. The records attached hereto are exact duplicates of the original records.
GIVEN UNDER MY HAND AND SEAL on this the day of 20
Notary Public in and for the State of Texas

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

Milberger Landscaping, inc.

CIVIL ACTION NO. 5:13-CV-731

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

SCHULTZ & COMPANY LANDSCAPES INC 5030 BACON RD **BOERNE, TX 78006**

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the wilness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800

MARTIN & DROUGHT PC

300 CONVENT STREET 25TH FLOOR

SAN ANTONIO, TX 78205--3789 Ph: (210) 227-7591 Fax: (210) 227-7924

ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

By:

GERALD T. DROUGHT

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

QUESTIONS TO BE PROPOUNDED TO THE WITNESS,
THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: SCHULTZ & COMPANY LANDSCAPES INC

THE GOOT OF THE ESTREAT RESOLUTION CONTROL & GOING THE STATE OF THE ST
Please state your full name, occupation, and/or official title.
ANSWER:
2. Did you receive a subpoena duces fecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, ime cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU?
ANSWER:
3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis or this lawsuit nor is it limited in scope or time or as to the type of record or document?
ANSWER:
4. Has ANTHONY CANTU ever been employed by SCHULTZ & COMPANY LANDSCAPES INC?
ANSWER:
5. Has SCHULTZ & COMPANY LANDSCAPES INC made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question?
ANSWER:
6. Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control?
ANSWER:
7. Were these memorandum, reports, records or data compilations made by SCHULTZ & COMPANY ANDSCAPES INC?
ANSWER:

File #:

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8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?
ANSWER:
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries?
ANSWER:
10. Were these records made and kept in the regular course of business?
ANSWER:
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.
ANSWER:
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by SCHULTZ & COMPANY LANDSCAPES INC? If yes, please identify the name and address of that location if known.
ANSWER:
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by SCHULTZ & COMPANY LANDSCAPES INC.
ANSWER:

14 Have you been requested, dir lawyer, or anyone else) that part of discovery for any reason? If so, information to you and when such elements.	of the records subject to please state the name	this deposition be withhele	d or protected from
ANSWER:			
15. Do you know whether or not deposition have in any manner bee way such records existed when creating.	t, or do you have any re en edited, purged, culled,	or in any other manner mac in your knowledge or belief i	le different from the
	WITHIS CHOTODIAN C	or prooppe	
V/	VITNESS CUSTODIAN C	JF RECORDS	
the foregoing answers of the witner me. The records attached hereto are	ss were made by the sa		hereby certify that subscribed before
GIVEN UNDER MY HAND AND SE	EAL on this the	day of	20

No	stary Public in and for the	State of Texas	· · · · · · · · · · · ·

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

vs // //

CIVIL ACTION NO. 5:13-CV-731

MTBERGER LANDSCAPING, INC.

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

BLUE GREEN LANDSCAPING AND FENCING

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, preemployment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800

MARTIN & DROUGHT PC 300 CONVENT STREET 26TH FLOOR

300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205-3789 Ph: (210) 227-7591 Fax: (210) 227-7924

ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

Date: 3-34-14

Ву:

GERALD T. DROUGHT

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

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CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

62705.1

QUESTIONS TO BE PROPOUNDED TO THE WITNESS, THE CUSTODIAN OF EMPLOYMENT RECORDS FOR: BLUE GREEN LANDSCAPING AND FENCING
Please state your full name, occupation, and/or official title.
ANSWER:
2. Did you receive a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU?
ANSWER:
3. Do you understand the subpoena requests all records referenced in Question # 2 pertaining to ANTHONY CANTU and is not limited to just records and documents related to what you feel forms the basis for this lawsuit nor is it limited in scope or time or as to the type of record or document?
ANSWER:
4. Has ANTHONY CANTU ever been employed by BLUE GREEN LANDSCAPING AND FENCING?
ANSWER:
5. Has BLUE GREEN LANDSCAPING AND FENCING made or caused to be made any memorandum, report, record or data compilation, in any form, of the employment and/or interview of the person in question?
ANSWER:
6. Are these memorandum, reports, records or data compilations under your care, supervision, direction, custody and/or control?
ANSWER:
7. Were these memorandum, reports, records or data compilations made by BLUE GREEN LANDSCAPING AND FENCING?
ANSWER:

File #:

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8. Please state whether or not it was in the regular course of business for a person with personal knowledge of the acts, events, conditions, opinions, or other data recorded to make the record or to transmit information thereof to be included in such record?			
ANSWER:			
9. Were the entries of these memorandum, reports, records or data compilations made at, or shortly after the time of the transaction recorded of these entries? ANSWER:			
10. Were these records made and kept in the regular course of business?			
ANSWER:			
11. Please hand exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced pertaining to ANTHONY CANTU or the originals thereof for photocopying to the notary public taking your deposition for attachment to this deposition (This should include but is not limited to employment records, any supervisor reports, W-2's, workers' compensation records, employment application forms, evaluations, payroll records, time cards, medical files, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced). Have you now provided all your employment records and documents pertaining to ANTHONY CANTU? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.			
12. Are there any other locations where records or documents pertaining to ANTHONY CANTU would be kept by BLUE GREEN LANDSCAPING AND FENCING? If yes, please identify the name and address of that location if known.			
ANSWER:			
13. Have any records of any kind been destroyed or are any records missing? If yes,why? Please describe those records that have been destroyed or are missing by BLUE GREEN LANDSCAPING AND FENCING.			
ANSWER:			

lawyer, or anyone else) that	part of the records subj so, please state the na	ect to this deposition	on be withheld or protected from of the person who conveyed this
ANSWER:			
	r been edited, purged, c	ulled, or in any othe	e that the records subject to this r manner made different from the dge or belief in the regard.
ANOVEK.			
	WITNESS CUSTODI	IAN OF RECORDS	
l,	ess were made by the sa	aid witness and swo	ate of do hereby certify that the orn to and subscribed before me.
GIVEN UNDER MY HAND AN	D SEAL on this the	day of	20
	€.		
	Notary Public in an	d for the State of	

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ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED

vs /r /

MEBERGER LANDSCAPING, INC.

CIVIL ACTION NO. 5:13-CV-731

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO:

EDMOND S. MORELAND JR

PHILIP J. MOSS

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF EMPLOYMENT RECORDS for:

C & M LANDSCAPE DESIGN LLC 6904 DECLARATION ST WATAUGA, TX 76148

at the offices of LORR, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, 503 E. Ramsey, Suite 201, San Antonio TX 78216, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to Issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to, employment records, any supervisor reports, W-2's, workers' compensation records, claims for unemployment compensation records, employment application forms, evaluations, payroll records, time cards, medical files, laboratory test results, pre-employment drug screen results and/or pre-employment specimen results, any subsequent drug screen results and/or subsequent specimen results, disability claims and attendance records, any type of insurance records, office notes, records of telephone conversations and any handwritten notes which have not already been produced

pertaining to: ANTHONY CANTU, DOB: 1969 and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

GERALD T. DROUGHT, SBID: 06134800 MARTIN & DROUGHT PC

300 CONVENT STREET 25TH FLOOR SAN ANTONIO, TX 78205--3789 Ph; (210) 227-7591 Fax: (210) 227-7924 ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

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Date: 2-) 4-14

By:

GERALD T. DROUGHT

ANTHONY CANTU AND RONALD LOREDO ON BEHALF OF THEMSELVES AND A CLASS OF THOSE SIMILARLY SITUATED vie.

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CIVIL ACTION NO. 5:13-CV-731

MILBERGER LANDSCAPING, INC.

QUESTIONS TO BE PROPOUNDED TO	ŢHE WITNESS,
THE CUSTODIAN OF EMPLOYMENT RECORDS FOR:	C & M LANDSCAPE DESIGN LLC

	DIAN OF EMPLOYMENT RECORDS FOR: C & M LANDSCAPE DESIGN LLC
Please state you	r full name, occupation, and/or official title.
ANSWER:	
not limited to, emp for unemployment time cards, medi employment speci disability claims ar	a subpoena duces tecum for the production of: ANY AND ALL RECORDS including but by the production of t
ANSWER:	
ANTHONY CANTU	stand the subpoena requests all records referenced in Question # 2 pertaining to and is not limited to just records and documents related to what you feel forms the basis it limited in scope or time or as to the type of record or document?
ANSWER:	
4. Has ANTHONY	CANTU ever been employed by C & M LANDSCAPE DESIGN LLC?
ANSWER:	
data compilation, li	DSCAPE DESIGN LLC made or caused to be made any memorandum, report, record or any form, of the employment and/or interview of the person in question?
	
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	THE STATE OF THE AND COARSE DESIGNA
7. Were these me LLC?	norandum, reports, records or data compilations made by C & M LANDSCAPE DESIGN
ANSWER:	
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Please state knowledge of the	whether or not it was in the regular course of business for a person with persona
knowledge of the	whether or not it was in the regular course of business for a person with personacts, conditions, opinions, or other data recorded to make the record or to transmito be included in such record?
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knowledge of the information thereo ANSWER: 9. Were the entr the time of the tran	cts, events, conditions, opinions, or other data recorded to make the record or to transmit to be included in such record? es of these memorandum, reports, records or data compilations made at, or shortly after saction recorded of these entries?
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ANSWER: 9. Were the entr the time of the tran	cts, events; conditions, opinions, or other data recorded to make the record or to transmit to be included in such record? es of these memorandum, reports, records or data compilations made at, or shortly after saction recorded of these entries?
ANSWER: 9. Were the entrement the time of the transmer. ANSWER: 10. Were these reactions and supplies and supplies the entrement of the transmer. ANSWER: 11. Please hand records, any supplies, laboratory teany subsequent direcords, any type handwritten notes thereof for photocoshould include becompensation recording disability clatelephone converse provided all your ethe notary public to the record of the record o	cts, events, conditions, opinions, or other data recorded to make the record or to transmit to be included in such record? es of these memorandum, reports, records or data compilations made at, or shortly after saction recorded of these entries? cords made and kept in the regular course of business? exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment envisor reports, W-2's, workers' compensation records, claims for unemployment rds, employment application forms, evaluations, payroll records, time cards, medical tresults, pre-employment drug screen results and/or pre-employment specimen results, ag screen results and/or subsequent specimen results, disability claims and attendance of insurance records, office notes, records of telephone conversations and any which have not already been produced perfaining to ANTHONY CANTU or the originals pying to the notary public taking your deposition for attachment to this deposition (This t is not limited to employment records, any supervisor reports, W-2's, workers' rds, employment application forms, evaluations, payroll records, time cards, medical ms and attendance records, any type of insurance records, office notes, records of tions and any handwritten notes which have not already been produced). Have you now imployment records and documents pertaining to ANTHONY CANTU? If not, identify for
knowledge of the information thereof ANSWER: 9. Were the entrement the time of the transparent of transparent of the transparent of the transparent of the transparent of transpa	cts, events, conditions, opinions, or other data recorded to make the record or to transmit to be included in such record? es of these memorandum, reports, records or data compilations made at, or shortly after saction recorded of these entries? cords made and kept in the regular course of business? exact duplicates of: ANY AND ALL RECORDS including but not limited to, employment envisor reports, W-2's, workers' compensation records, claims for unemployment rds, employment application forms, evaluations, payroll records, time cards, medical tresults, pre-employment drug screen results and/or pre-employment specimen results, ag screen results and/or subsequent specimen results, disability claims and attendance of insurance records, office notes, records of telephone conversations and any which have not already been produced pertaining to ANTHONY CANTU or the originals pying to the notary public taking your deposition for attachment to this deposition (This t is not limited to employment records, any supervisor reports, W-2's, workers' rds, employment application forms, evaluations, payroll records, time cards, medical ms and attendance records, any type of insurance records, office notes, records of tions and any handwritten notes which have not already been produced). Have you now imployment records and documents pertaining to ANTHONY CANTU? If not, identify for
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62705.1 File #:

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14 Have you been requested, directed, of lawyer, or anyone else) that part of the rediscovery for any reason? If so, please information to you and when such event occurred.	ecords subject to this deposi state the name and address	tion be withheld or protected from	
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15. Do you know whether or not, or do deposition have in any manner been edited way such records existed when created? If ANSWER:	d, purged, culled, or in any oth so, please explain your know	ner manner made different from the	
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WITNESS	S CUSTODIAN OF RECORD	<u> </u>	
I,,A N the foregoing answers of the witness were me. The records attached hereto are exact	made by the said witness ar		
GIVEN UNDER MY HAND AND SEAL on the	his the day of	20	
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Notary Public in and for the State of Texas			